

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37255

STATE OF IDAHO,)	2010 Unpublished Opinion No. 669
)	
Plaintiff-Respondent,)	Filed: October 15, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
RICKEY LEE DOLAN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Timothy Hansen, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Rickey Lee Dolan pled guilty to grand theft by possession of stolen property. Idaho Code §§ 18-2403(4), 18-2407(1). The district court sentenced Dolan to five years with one year determinate. Dolan filed an Idaho Criminal Rule 35 motion, which the district court denied. Dolan appeals asserting that the district court erred in denying his Rule 35 motion.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the

motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). An appeal from the denial of a Rule 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new information in support of Dolan's Rule 35 motion was presented, review of the sentence by this Court is precluded. For the foregoing reasons, the district court's order denying Dolan's Rule 35 motion is affirmed.